

SENATE BILL REPORT

ESHB 2684

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 20, 2018

Title: An act relating to defining best practices for the process and people involved in best interest determination of students in out-of-home care.

Brief Description: Defining the process for best interest determinations of students in out-of-home care.

Sponsors: House Committee on Education (originally sponsored by Representatives Caldier, Senn, Kagi, Kilduff, Ortiz-Self, Johnson, Muri and McBride).

Brief History: Passed House: 2/08/18, 97-0.

Committee Activity: Early Learning & K-12 Education: 2/19/18, 2/20/18 [DP, w/oRec].

Brief Summary of Bill

- Directs school districts to collaborate with the Department of Children, Youth, and Families (DCYF) to develop protocols regarding the status and progress of students in out-of-home care.
- Provides guidance and requirements for best interest determinations for students in out-of-home care before changing the school placement of a student.
- Requires school districts to designate a foster care liaison to facilitate compliance with state and federal laws.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig, Hunt, Mullet and Pedersen.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Ailey Kato (786-7434)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: Out-of-Home Care and Foster Care. Out-of-home care means placement in a licensed foster family home or group care facility or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed, which includes relatives.

Students in Foster Care. It is the policy of the state that, whenever practical and in the best interest of the child, children placed into foster care must remain enrolled in the schools they were attending at the time they entered foster care. State law requires the administrative regions of the Department of Social and Health Services (DSHS) to develop protocols with the respective school districts specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children, in order to maximize the educational continuity and achievement for foster children.

DSHS must provide youth residing in out-of-home care the opportunity to remain enrolled in the school the youth was attending prior to out-of-home placement, unless the safety of the youth is jeopardized, or a relative or other suitable person placement approved by DSHS is secured for the youth, or it is determined not to be in the youth's best interest to remain enrolled in the school.

If the parties in the dependency case disagree regarding which school the youth should be enrolled in, the youth may remain enrolled in the school of origin until the disagreement is resolved in court, unless the youth is in immediate danger.

Unless otherwise directed by the court, the educational responsibilities of DSHS for school-aged youth residing in out-of-home care are to:

- collaboratively discuss and document school placement options and plan necessary school transfers during the family team decision-making meeting;
- notify the receiving school and the school of origin that a youth residing in foster care is transferring schools;
- request and secure missing academic records or medical records required for school enrollment within ten business days;
- document the request and receipt of academic records in the individual service and safety plan;
- pay any unpaid fees or fines due by the youth to the school or school district;
- notify all legal parties when a school disruption occurs; and
- document factors that contributed to any school disruptions.

Federal Every Student Succeeds Act. This federal law was enacted in 2015 and includes new requirements to promote school stability and success for students in foster care. The state educational agency and local education agencies must collaborate with child welfare partners in an effort to improve the educational outcomes of children and youth in foster care. School districts must designate a foster care liaison to facilitate district compliance with state and federal laws.

DCYF. The Legislature created this new department in 2017. Child welfare programs from the Children's Administration (CA) within DSHS will move to DCYF on July 1, 2018. CA programs include Child Protective Services, the Family Assessment Response program, foster care, and adoption support.

Summary of Bill: School District Requirements. School districts must collaborate with DCFY and its administrative regions to develop protocols regarding the status and progress of children in out-of-home care. The protocols must include the protocols for making best interest determinations regarding school placement.

Protocols for Best Interest Determinations. Whenever practical and in their best interest, students placed into out-of-home care must remain enrolled in the school they were attending at the time they entered out-of-home care. Best interest determinations should be made as quickly as possible in order to prevent educational discontinuity for the student.

When making best interest determinations, every effort should be made to gather meaningful input from specified relevant and appropriate persons and student-centered factors must be used. In order to make a well-informed best interest determination, a variety of student-centered factors should be considered.

The student must remain in the student's school of origin while a best interest determination is made and while disputes are resolved in order to minimize disruption and reduce the number of school transfers. School districts are encouraged to use guidance and the dispute resolution process developed by the Office of Superintendent of Public Instruction (OSPI) when there is a disagreement about school placement, the provision of educational services, or a dispute between agencies.

The special education services of a student must not be interrupted by a transfer to a new school.

Foster Care Liaisons. Each school district must designate a foster care liaison to facilitate district compliance with state and federal laws and to collaborate with DCYF to address educational barriers for these students. The role and responsibilities of a foster care liaison may include:

- coordinating with DCYF and OSPI;
- attending and providing training and professional development opportunities;
- leading and documenting the development of a process for making best interest determinations;
- facilitating immediate enrollment, the transfer of records, and data sharing with child welfare agencies consistent with state and federal privacy laws and rules;
- developing and coordinating local transportation procedures;
- managing best interest determination and transportation cost disputes; and
- ensuring that students in out-of-home care are enrolled in and regularly attending school.

A provision creating a work group to prepare a plan for students in short-term foster care, which submitted a report in 2002, is repealed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on September 1, 2018.

Staff Summary of Public Testimony: PRO: The outcomes for foster youth are among the worst when compared to other groups of children. When a child is moved to a new school, this decision needs to be thoughtful. The best interest determination process outlined in the bill will provide educational stability because it allows students to remain in their school of origin unless it is not in their best interest. Often school is the only stable facet for a student who is in foster care. Schools can provide some semblance of normalcy during a very chaotic time because of the routines and being around teachers and friends who care about them.

Persons Testifying: PRO: Representative Michelle Caldier, Prime Sponsor; Peggy Carlson, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: No one.